THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15582 of 2007

Dated: 23-07-2007

Between:

Smt.Gande Siddamma and others.

..... PETITIONERS

AND

The Special Grade Deputy Collector-cum-Revenue Divisional Officer, Ranga Reddy District, and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.15582 of 2007

ORDER:

Gande Venkataiah - husband of first petitioner and father of petitioners 2 to 4 allegedly purchased land admeasuring Acs.274 in survey Nos.82 to 101 situated at Bacharam Village, Hayathnagar Mandal, Ranga Reddy District, from Syed Yaseen, who was an agreement holder which was executed by the original pattadar – Raja Ananda Numbalkar. It appears that when the original pattadar did not execute sale deed, Syed Yaseen filed O.S.No.588 of 1969 on the file of the Court of IV Additional Judge, City Civil Court, Hyderabad, and obtained a decree on 20.04.1970 for specific performance of the agreement of sale, pursuant to which a sale deed was executed in favour of Syed Yaseen. Thereafter, Gande Venkataiah purchased the land under a notarized sale deed dated 23.11.1972. After death of Venkataiah, the petitioners filed an application for regularization before second respondent, namely, the Mandal Revenue Officer (MRO), under Section 5-A of the of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (the Act, for brevity), who passed orders on 30.04.2005 validating the sale in favour of the petitioners. Aggrieved by the same, respondents 18 to 28 herein filed an appeal before first respondent, namely, the Revenue Divisional Officer (RDO). While the appeal is pending, respondents 3 to 17 herein filed an application under Order I Rule 10 and Section 151 of the Code of Civil Procedure, 1860, before the appellate authority - first respondent claiming themselves to be the necessary and proper parties to the appeal as they allegedly purchased land under an agreement of sale-cum-General Power of Attorney dated 16.12.2005 from the legal heirs of Syed Yaseen. First respondent allowed said implead petition by a docket order dated 02.07.2007. Aggrieved by the same, the petitioners filed instant writ petition seeking invalidation of the orders of first respondent impleading respondents 3 to 17 as party respondents in the appeal pending before him.

The learned counsel for the petitioners placed strong reliance on the decision of a Division Bench of this Court in **K.R.Goud v. Bhavanarishi Co-op. House Building Society**[1] in support of the contention that under Section 5-A of the Act, an unregistered agreement of sale cannot be regularized by MRO. Therefore, he would urge that respondents 3 to 17, who allegedly purchased land from the legal heirs of Syed Yaseen under an agreement of sale, are not necessary and proper parties. The learned Assistant Government Pleader for Revenue submits that when respondents 18 to 28, who filed the appeal, had no

objection for impleadment of respondents 3 to 17, the petitioners have no *locus standi* to challenge the order dated 02.07.2007 passed by first respondent.

Admittedly the appeal is filed by respondents 18 to 28 against the orders dated 30.04.2005 regularising the sale in favour of the petitioners under Section 5-A of the Act. In said appeal, the petitioners herein are the respondents and therefore, ordinarily the co-respondents can have no objection if a third party is impleaded as party respondent as no prejudice would be caused to them. Secondly even late Venkataiah purchased land from Syed Yaseen under unregistered document. Therefore, when the question is whether second respondent regularized the sale in favour of the petitioners herein pursuant to unregistered document in favour of late Venkataiah, respondents 3 to 17 are certainly proper parties. Be it noted, respondents 3 to 17 also claimed to have purchased land from the legal heirs of Syed Yaseen. Therefore, presence of respondents 3 to 17 in the appeal filed by respondents 18 to 28 along with the petitioners herein is necessary for the appellate authority to decide the questions once for all. If ultimately any party is aggrieved by such orders, they can always file a suit before appropriate Civil Court under Section 8(2) of the Act.

The writ petition, which is misconceived, with the above observations, is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

23rd July, 2007
ghn

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[1] 2003(5) ALD 654 (DB)